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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHNEY RAMEY,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>COUNTY OF FRESNO; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 08-16688

D.C. No. 1:08-cv-00832-OWW-GSA

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT and TASHIMA, Circuit Judges.

Johnney Ramey, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action as barred under *Heck v.*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Humphrey, 512 U.S. 477 (1994). We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Huftile v. Miccio-Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005), and we affirm.

The district court properly dismissed the action because a judgment in Ramey's favor would necessarily imply the invalidity of his conviction, and the conviction has not been invalidated. *See Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005).

AFFIRMED.